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DISTRICT IV

December 7, 2023

To:

Hon. Martin J. De Vries
Circuit Court Judge
Electronic Notice

Kelly Enright
Clerk of Circuit Court
Dodge County Justice Facility
Electronic Notice

Dodge County Sheriff Supervisor
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Joe Gremminger
1262 Wayland Street, Apt. #1262
Beaver Dam, WI 53916

Lori Gremminger
Rick Gremminger
207 Horicon Street
Horicon, WI 53032

Stacie Gremminger
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Beaver Dam, WI 53916

Horicon Police Department
220 Ellison Street
Horicon, WI 53032

Roger G. Siedschlog
604 Janssen Street
Horicon, WI 53032

Sharon Siedschlog
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

2023AP354

Stacie Gremminger v. Lori Gremminger (L.C. # 2022CV459)

Before Kloppenburg, P.J., Blanchard, and Graham, JJ.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Stacie Gremminger appeals an order dismissing her complaint. After Gremminger filed a brief, none of the respondents in this appeal filed a brief. However, based upon our review of the

appellant's brief and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2021-22).¹ We affirm.

Gremminger filed a document titled "civil lawsuit," naming several defendants, on November 2, 2022. The circuit court dismissed the case in an order dated February 24, 2023, on the ground that an authenticated copy of the summons and complaint had not been served on the defendants within the required statutory time period.

On appeal, most of Gremminger's brief discusses matters that are not relevant to whether she properly served the defendants. However, in one paragraph she argues that she sent her civil lawsuit document to the defendants by mail. This argument is not persuasive because, even if it is true that Gremminger sent it to the defendants by mail, service by mail is not one of the acceptable methods provided by statute. *See* WIS. STAT. § 801.11. And, the fact that Gremminger attempted service, but failed, does not change the outcome. The statute requires that service "is made" on the defendant for the action to be commenced. WIS. STAT. § 801.02(1).

By statute, Gremminger had ninety days from November 2, 2022, to serve the defendants. WIS. STAT. § 801.02(1). That time had expired when the circuit court dismissed the complaint. The time for serving the defendants may not be enlarged. WIS. STAT. § 801.15(2)(a). The plaintiff is required to file proof of service in the circuit court, but no such proof was in the record here. *See* WIS. STAT. § 801.10(3). Accordingly, the circuit court properly dismissed the complaint for lack of service.

¹ All references to the Wisconsin Statutes are to the 2021-22 version.

IT IS ORDERED that the order appealed from is summarily affirmed under WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Samuel A. Christensen
Clerk of Court of Appeals